IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Kotzin	)
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For:	A Method and System for Managing Access to Presence Attribute Information	)
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Serial No.:	10/749,321	)
		)
Filed:	December 31, 2003	)
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Examiner:	Lee, C.	)
		)
Art Unit:	2181	)

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Commissioner for Patents
P.O. Box 1450
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Attention: Board of Patent Appeals and Interferences

APPELLANT'S REPLY BRIEF

This reply brief is in furtherance of the Examiner's Answer, mailed on August 24, 2009. The reply brief includes the appellant's response to the Examiner's most recent issues raised in the previously noted Examiner's Answer, which includes a Response to Argument section, beginning at the top of page 19 of the Examiner's Answer, otherwise the Examiner's Answer, with the exception of the Response to Argument section constitutes a repeat of the argument as outlined in the Office Action, dated December 22, 2008, which was made final.

In responding to Appellant's arguments, the Examiner has identified four discussion points relative to the arguments raised including (1) whether the presence information associated with a particular user's online status constitutes an access condition relative to the availability of presence information, that was available in the prior art (alleged admitted prior art), (2) whether

access authorization entries are taught or made known by the alleged admitted prior art, or the combined teachings of the references, (3) whether a nexus has been shown between the teachings of the multiple references or whether the claimed elements have been addressed in a piece-meal fashion, and (4) whether the user information as taught or described with respect to Raverdy et al., '217, is contextually consistent with the claims.

(1) Whether the presence information associated with a particular user's online status constitutes an access condition relative to affecting the availability of presence information for a particular user, that was available in the prior art (alleged admitted prior art).

In reviewing the Examiner's comments, the Examiner appears to be mixing two issues, namely whether something is presence information, or whether something is a condition for accessing presence information. The Examiner then appears to suggest that the background description relative to the on-line status is a condition for access. However contrary to being identified as a condition for access, the background description describes an on-line status as an example of one type of presence information that might be available, along with a user's geographical location, and a user's availability. Such an attempted assertion by the Examiner can not be supported, where the background description at page 2, lines 14-18 identifies that "a decision to overly restrict access to presence information may come from an inability to conveniently and/or flexibly manage another person's access to the presence information. In other instances, there may be no provision for tailoring accessibility" (emphasis added).

It is believed that the Examiner is confusing the recitation of a user's online status as a condition of access to presence attributes, as opposed to an example of a type of information that might be available as part of available presence information. While, the Examiner even goes so far as to partially reproduce a portion of the background section of the present application, when the particular section is viewed in its entirety, the corresponding portion of reproduced text in fact supports the appellant's position and not the Examiner's position, as it more clearly lists a user's on-line status as the type of presence information that might be available about a particular user. It is one of the features that can define a particular user's relationship to the

network that might be beneficial to know, in so far as if you are attempting to contact the particular user it may be nice to know that particular user's availability. In other words, contrary to the Examiner's assertions, a particular user's on-line status is not a condition described in the background description of the present application that is associated with granting or denying access to the presence information of another user. The on-line status is an example of a type of presence information. While it is true, that one might have difficulty getting any kind of information from a network, if one is not connected to the network in an operational way that enables information to be conveyed to or from the network, it is not the same as a purposeful limitation upon which the access to presence information associated with a particular user is either specifically granted or denied, which in turn provides a provision for tailoring access as part of a user field that is part of an access authorization entry, which is associated with a user presence attribute information entry.

(2) Whether access authorization entries are taught or made known by the alleged admitted prior art, or the combined teachings of the references.

As noted above, an access authorization entry is not made known by the alleged admitted prior art sections of the detailed description of the present invention, in so far as the suggested teaching relative to an online status relates to an example of user presence information, and not an example of an access condition. Alternatively, the cited reference Raverdy et al., '217, does not relate to user presence information, but alternatively relates to "event information", a distinction acknowledged by the Examiner. An event once defined is traditionally a pending activity associated with a particular place at a particular time. One does not seek presence type information relative to an event. In essence, an event once defined has associated information which is generally static in nature. It generally does not have a changing relationship relative to a network for which a current status relative to the network would be beneficial. As such event information is not analogous to user presence information as used and defined in the context of the present application.

In so far as user data is discussed in Raverdy et al., '217, the information is provided by the user to an event server for purposes of accessing the event server and obtaining appropriate services and content information relative to the event for which the user has already obtained access rights (col. 10, lines 30-39). Receipt of an access code corresponding to the particular event or event location, which in turn provides access to the corresponding event information was obtained as part of purchasing admission to a particular event or event location (col. 2, lines 20-24). Hence access to event information is part of a purchase of admission, and is not otherwise conditionally controlled, such that there is no dynamic rules based access, which can be said to be related to providing access conditions for accessing a more dynamic user presence type information of the type of the present application, where in the cited reference access to the relatively static event type information has already been secured, through the respective event admission purchase, where the user information is used to provide the appropriate services and content information related to the event to the individual user.

As such, contrary to the Examiner's suggestion, neither the background section of the present application, nor the relied upon reference make known or obvious specific access conditions linked to a particular user seeking access, which are associated with a particular user presence attribute information entry, about which information is being sought where access is conditioned upon the defined access conditions, which contextually limits access for a specified user to the linked user presence information.

(3) Whether a nexus has been shown between the teachings of the multiple references or whether the claimed elements have been addressed in a piece-meal fashion.

As such, the relied upon reference, Raverdy et al., '217, is silent as to user presence information. The relied upon reference is similarly silent as to the particular entry associated with a particular piece of user presence information having an access authorization entry with one or more user entries defining the access conditions in which the particular one of the one or more users will have access to the respective user presence information. In the alleged admitted prior art, there is no corresponding access condition specific to a requesting user, which is linked

to particular entry containing user presence information for which access is being sought by the user. Similarly, no such association is taught or suggested by Raverdy et al., '217, which alternatively relates to event information, for which an access code is provided as part of a purchased admission, which enables access to the relevant information (col. 2, lines 20-24). Raverdy et al., '217, by being silent relative to user presence information, or any of the user specific access conditions linked to the respective user presence information entry, fails to provide a teaching relevant to any of the elements claimed as part of the present application. No nexus has been shown between the teachings of the relied upon reference and the background description or the claims of the present application.

Any attempted mapping of features from the reference and/or the alleged admitted prior art, which ignores context and fails to provide a nexus between respective elements, especially where the mapped teachings of one reference is intended to interact with the mapped teachings of another reference in effect amounts to a piece-meal approach, which does not account for the claimed interaction between claimed elements.

(4) Whether the user information as taught or described with respect to Raverdy et al., '217, is contextually consistent with the claims.

In articulating applicant's point, the Examiner correctly identifies that the applicant has noted that the user information discussed by Raverdy et al., '217, relates not to user presence information being sought by a particular user, but relates to information provided to the server in order to provide appropriate services and content information to the individual user device. This point would appear to be moot, in so far as the Examiner appears to fully acknowledge in connection with his response to the first point that the information being provided by the event server is event information and not user presence information, which is the subject of the present application.

As a result, the Examiner has failed to properly reject the claims, including independent claim 1, 15 and 23, as well as any of the claims which depend therefrom, by showing that each

and every feature is either taught or suggested in view of the combined teachings of the cited references, the alleged admitted prior art; and/or Raverdy et al, US Patent No. 6,957,217.

The arguments above relate directly to and support the previous arguments made in Appellant's Appeal Brief, dated May 26, 2009, with respect to each and every independent claim, as well as the claims which depend therefrom.

In view of the above noted reasoning, the applicants would respectfully request that the Examiner's decision to finally reject the pending claims be overturned, and that the claims be permitted to proceed to allowance.

Respectfully submitted,

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